

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

08 Civ. 3514

MARK JOBSON

Plaintiff,

COMPLAINT AND DEMAND  
FOR JURY TRIAL

-against-

BRONSON & MIGLIACCIO, LLP.

Defendant.

JUDGE ROBINSON

FILED  
U.S. DISTRICT COURT  
2008 APR 10 P 3:26  
S.D. OF N.Y. W.P.

Plaintiff by and through his attorney Kleinman LLC, complaining of the Defendant,  
respectfully alleges and shows to the Court as follows:

### **INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (hereinafter "FDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

### **JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises under 15 U.S.C. 1692k(d). Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

### **PARTIES**

3. Plaintiff Mark Jobson is a natural person residing in New York County, New York.

4. Plaintiff is a “consumer” as defined by 15 U.S.C. section 1692(a)(3).
5. Defendant Bronson & Migliaccio, LLP is a New York Limited Liability Partnership. The New York Department of State lists its address at 3010 Westchester Avenue, # 403, Purchase, New York 10577. Defendant attempts to collect debts alleged to be due another.

### **FACTUAL ALLEGATIONS**

6. On or about April 10, 2007 Defendant Bronson & Migliaccio, LLP sent Plaintiff a mass produced demand letter, signed by facsimile, claiming that defendant was retained by CACH, LLC. **Exhibit A.**
7. Said letter falsely implied that it was issued by an attorney meaningfully involved in the collection of this consumer debt originally owed to Providian Bank an allegedly now owned by CACH, LLC.

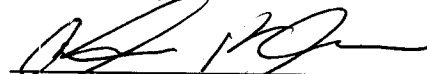
### **CAUSES OF ACTION UNDER THE FDCPA**

8. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.
9. Defendant violated 15 U.S.C. sections 1692e, 1692e(3), 1692e(10) by its use of false and misleading representations in attempting to collect debt it claims that CACH, LLC is the creditor.

**WHEREFORE**, Plaintiff respectfully requests that judgment be entered against Defendant, for the following:

- a. Statutory damages pursuant to 15 U.S.C. section 1692k;
- b. Costs and reasonable attorney's fees pursuant to 15 U.S.C. section 1692k.
- c. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,



Abraham Kleinman (AK-6300)

KLEINMAN LLC

626 RexCorp Plaza

Uniondale, New York 11556-0626

Telephone (516) 522-2621

Facsimile (888) 522-1692

**DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff demands trial by jury in this action.



Abraham Kleinman



**BRONSON & MIGLIACCIO, LLP**

ATTORNEYS AT LAW

415 LAWRENCE BELL DRIVE, WILLIAMSVILLE, NY 14221

TELEPHONE: 888-900-9749 FAX: 716-635-9556

#143

Jill Anderson \*  
Jonathan P. Cawley\*\*\*Admitted in NY  
\*\*Admitted in NY, PA & VTAttorneys Licensed In:

Arizona	Pennsylvania
California	South Carolina
Florida	Texas
Maryland	Tennessee
Massachusetts	Vermont
New Jersey	Virginia
New York	Washington
Ohio	Wisconsin

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**MARK JOBSON**  
 237 W 20th St Apt 2C  
 New York NY 10011-3700

April 10th, 2007

RE: Creditor : CACH, LLC.  
 Account #: 14301143070401679  
 Original Creditor : PROVIDIAN BANK  
 Current Balance: \$3,843.98

Dear MARK JOBSON,

This office has been retained to collect the debt owed by you to CACH, LLC.. This is a demand for payment in full.


Unless you, the consumer, within thirty days after receipt of the notice, dispute the validity of the debt or any portion thereof, this office will assume this debt is valid.

If you, the consumer, notify us in writing within the thirty-day period that the debt, or any portion thereof, is disputed we will obtain verification of the debt or a copy of a judgment against you and a copy will be mailed to you by our office.

Upon your written request within the thirty-day period, we will provide you with the name and address of the original creditor, if different from the current creditor.

Please call our office without delay. The toll free number is 888-900-9749.

Very truly yours,



Jill Anderson, Esq.

Two  
 certificates  
 (Gpath)  
 1. Budget  
 2. TEST

www.  
 annual  
 credit  
 report.com

If you would like to make a payment online please go to [www.BronsonandMigliaccio.com](http://www.BronsonandMigliaccio.com)

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

FAIR  
 DEBT  
 COLLECTION  
 ACT

cease + desist  
 Accelerates

7

13  
 Repayment  
 2 years

10 years  
 report